

1 THE HONORABLE THOMAS S. ZILLY  
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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

8 BUNGIE, INC.,  
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v.  
10 Plaintiff,

11 AIMJUNKIES.COM; PHOENIX  
12 DIGITAL GROUP LLC; DAVID  
SCHAEFER; JORDAN GREEN;  
13 JEFFREY CONWAY; and JAMES MAY,

14 Defendants.

No. 2:21-cv-811-TSZ

15 DECLARATION OF JACOB DINI IN  
16 SUPPORT OF PLAINTIFF'S MOTION TO  
17 DISMISS PHOENIX DIGITAL GROUP,  
LLC'S AND JAMES MAY'S  
18 COUNTERCLAIMS WITH PREJUDICE

I, Jacob Dini, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of  
Washington. I am an attorney at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie,  
Inc. ("Bungie" or "Plaintiff"). I submit this declaration in support of Plaintiff's Motion to Dismiss  
Phoenix Digital Group, LLC's and James May's Counterclaims with Prejudice. I have personal  
knowledge of the facts stated herein and, if called upon, could and would testify competently  
thereto under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an email I sent to counsel  
for Defendants on September 8, 2022 and counsel for Defendants' response.

DINI DECL. ISO PLAINTIFF'S MOTION  
TO DISMISS  
(No. 2:21-cv-811-TSZ) – 1

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Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
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3. On September 30, 2022, I had a conference with counsel for Defendants. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange summarizing that conference. Defendants' counsel has not responded.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a screenshot taken from 2:05 minute mark of the video located at <https://www.youtube.com/watch?v=2aQeBeXuj5s>, captured on October 5, 2022. The email referenced in this video has not been produced by Defendants in discovery.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 6th day of October, 2022.

/s/Jacob Dini  
Jacob Dini

DINI DECL. ISO PLAINTIFF'S MOTION  
TO DISMISS  
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